

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

UNITED STATES OF AMERICA)	CRIMINAL NO. 7:17-00938-BHH
)	
v.)	MOTION TO FILE DOCUMENT
)	UNDER SEAL
DUSTAN LAWSON)	

This matter is before the Court on motion by the defendant Dustan Lawson, through his undersigned attorney, for permission to file under seal the defendant's Exhibit 1 (Affidavit of Thomas V. Martin, M.D.) to his motion to depart from Guidelines and sentencing memorandum, pursuant to Local Crim. Rule 49.01 (D.S.C.).

The District Court "has supervisory power over its own records and may, in its discretion, seal documents if the public's right of access is outweighed by competing interests." *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000); *In re Knight Pub. Co.*, 743 F.2d 231, 235 (4th Cir. 1984). In this case, sealing is necessary because Exhibit 1 contains personal and confidential information about the defendant that should not be disclosed on the public record pursuant to 42 U.S.C. § 290dd-2 and may, if disclosed to the public, violate the defendant's privacy rights. Defense counsel is unaware of any alternatives to sealing that would afford adequate protection. Furthermore, the document that the defendant seeks to seal does not regard any important historical event, nor would it tend to be sought by the public for any proper purpose beyond the boundaries of the instant case.

The Defendant has not consulted with the attorney for the government and is unable to advise the court of the government's position on this motion.

Accordingly, the Defendant respectfully requests this court to grant permission to file under seal the defendant's Exhibit 1 to his motion to depart from the Guidelines and sentencing memorandum.

Respectfully submitted,
FEDERAL PUBLIC DEFENDER
Attorney for the Defendant

BY: s/Benjamin T. Stepp
Benjamin T. Stepp, Fed. Id. #4301
Assistant Federal Public Defender
75 Beattie Place, Suite 950
Greenville, South Carolina 29601
(864) 235-8714
benjamin_stepp@fd.org

Greenville, South Carolina

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